

motion, further pleadings will not be entertained.

(d) *Order of approval.* Tariffs to which this paragraph relates shall not be filed unless and until the Board by order approves the application finding that the proposed tariff involves service in connection with air transportation.

(e) *Effectiveness of authority.* Authority to include any location(s) in a pick-up and delivery tariff granted pursuant to the procedure of this section shall be subject to revision or revocation without evidentiary hearing.

## PART 223—TARIFFS OF AIR CARRIERS: FREE AND REDUCED-RATE TRANSPORTATION

Sec.

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**AUTHORITY:** The provisions of this Part 223 issued under secs. 204, 403, 404, 72 Stat. 743, 758, 760; 49 U.S.C. 1324, 1373, 1374, unless otherwise noted.

### § 223.1 Definitions.

As used in this part, unless the context otherwise requires:

(a) "Carrier" means an air carrier or a foreign air carrier.

(b) An "affiliate" of a carrier means a person:

(1) Who controls such carrier, or is controlled by such carrier or by another person who controls or is controlled by such carrier, and

(2) Whose principal business in purpose or in fact is:

(i) The holding of stock in one or more carriers, or

(ii) Scheduled transportation by air or the sale of tickets therefor, or

(iii) The operation of one or more airports, one or more of which are used by such carrier or by another carrier who controls or is controlled by such carrier or who is under common control with such carrier by another person, or

(iv) Activities devoted to the scheduled transportation by air conducted by such carrier or by another carrier which con-

trols or is controlled by such carrier or which is under common control with such carrier by another person.

(c) Within the meaning of this section, "control" means the beneficial ownership of more than 40 percent of outstanding voting capital stock unless, as to the specific case, the Board shall have determined in a proceeding pursuant to section 408 of the act that control does not exist; such control may be direct or by or through one or more intermediate subsidiaries likewise controlled or controlling through beneficial ownership of more than 40 percent, of outstanding voting capital stock.

(d) "Pass" means a written authorization issued by a carrier for free or reduced-rate transportation of persons or property; "term pass" means such an authorization effective for a designated period, not to exceed three years; "trip pass" means such an authorization for a single one-way trip or round trip (whether the return trip is made via the same route as the outbound trip or a different one) between designated points.

(e) "Free transportation" means the carriage by a carrier of any person or property (other than property owned by such carrier) in air transportation without compensation therefor; "reduced-rate transportation" means such carriage for a compensation less than that under the rate, fare, or charge published in the tariffs of such carrier, on file with the Board and otherwise applicable to such carriage.

[Reg. ER-146, 14 F.R. 3535, June 29, 1949, as amended by ER-392, 28 F.R. 9288, Aug. 23, 1963]

### § 223.2 Persons to whom free and reduced-rate transportation may be furnished.

Any carrier may furnish free or reduced-rate transportation to those classes of persons as hereinafter set forth:

(a) Any carrier may provide free or reduced-rate transportation to any or all classes of persons as specifically mentioned in section 403(b) of the Act;

(b) Any carrier engaged in overseas or foreign air transportation may provide free or reduced-rate overseas or foreign air transportation to:

(1) Directors, officers, and employees and members of their immediate families, of any affiliate of such carrier, the name of which affiliate currently is included in

the list of affiliates filed by such carrier pursuant to § 223.7;

(2) Directors, officers, and employees and members of their immediate families, of any person operating as a common carrier by air, or in the carriage of mail by air, or conducting transportation by air, in a foreign country; and

(3) Other persons to whom such carrier is required to furnish free or reduced-rate transportation by law or government directive or by a contract or agreement, now or hereafter in effect, between such carrier and the government of any country served by such carrier, but only to the extent so required and only if such contract or agreement is filed with the Board and if the provisions thereof relating to such transportation are not disapproved by the Board as being contrary to the public interest: *Provided, however,* That the foregoing provision shall not be applicable to free or reduced-rate overseas or foreign air transportation pursuant to a law or government directive that requires the furnishing of such transportation to the general public or any segment thereof, and that the Board may without prior notice direct the carrier to file a tariff covering such transportation if the Board finds that the law or government directive in question requires the provision of such transportation.

(c) Any carrier authorized to carry persons in overseas or foreign air transportation may provide such authorized transportation free of charge to bona fide technical representatives of companies which have been engaged in the manufacture and/or development and/or testing of a particular type of aircraft or aircraft equipment, on condition that:<sup>1</sup>

(1) Such transportation is for purposes of technical in-flight observation of such aircraft or equipment necessary in the interest of safety and/or improved efficiency and reliability of the operation of such aircraft or equipment;

(2) Such transportation is provided only when such representatives are engaged in specific technical in-flight observation of the carrier's aircraft or equipment or is provided by the same carrier for the purpose of necessary transit incidental to such duty; and

(3) Such transportation is reported in a statement addressed to the attention of the Bureau of Air Operations, Civil Aeronautics Board, Washington 25, D.C., and forwarded so as to be received by the Board within ten (10) days after the end

of the calendar month in which such transportation took place. Such statement shall list the name of each person provided such free transportation, his company affiliation, the specific nature of the observations made, the particular equipment or component of the aircraft observed, the reasons in-flight observation was deemed necessary, and the dates, flights and points between which such free transportation was provided.

(d) Any air carrier authorized to engage in interstate transportation is hereby exempted from section 403 of the Act to the extent necessary to enable it to provide such transportation free of charge for the persons and purposes described in paragraph (c) of this section in accordance with the conditions and requirements set forth therein.<sup>1</sup>

(e) Any air carrier not otherwise authorized to carry persons is hereby exempted from the provisions of section 401 of the Act to the extent necessary to enable it to carry persons in accordance with paragraphs (c) and/or (d) of this section.<sup>1</sup>

(Secs. 407, 416, 72 Stat. 766, 771; 49 U.S.C. 1377, 1386) [ER-313, 25 F.R. 8071, Aug. 23, 1960, as amended by ER-461, 31 F.R. 6585, May 3, 1966]

**NOTE:** The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

#### § 223.2a Transportation of empty mail bags.

Any air carrier or foreign air carrier authorized to engage in foreign air transportation may transport in foreign air transportation empty air mail bags from any country to the country of origin of such bags, free of charge, on a voluntary, space available basis.

[ER-372, 28 F.R. 213, Jan. 1, 1963]

#### § 223.3 Passes to be issued.

No carrier shall furnish any free or reduced-rate transportation unless a pass therefor has been issued, except that passes need not be issued:

(a) For necessary free transportation of the carrier's own flight personnel in the performance of their official duties;

(b) For free or reduced-rate transportation of persons injured in aircraft acci-

<sup>1</sup> Every carrier providing such transportation should also comply with applicable regulations of the Federal Aviation Agency (e.g., Civil Air Regulations pertaining to admission of persons to the aircraft flight deck).

dents or physicians and nurses attending such persons, or with the object of providing relief in cases of general epidemic, pestilence or other calamitous visitation;

(c) For the free transportation of persons pursuant to Parts 224 or 233 of this subchapter.

[ER-381, 28 F.R. 5019, May 18, 1963]

§ 223.4 Form of pass.

No carrier shall issue any form of pass other than a "term" or "trip" pass. Every pass shall be issued upon the express condition that it is subject to suspension or cancellation for the abuse of the privileges accorded thereunder, and must show on its face, at least, the name of the person or persons who, or whose property, is entitled to receive free or reduced-rate transportation. Each pass must bear either the signature in ink of an official whose title is contained in the list referred to in § 223.6(a), or the facsimile signature of such an official and the countersignature and title in ink of some other official or responsible subordinate whose title is contained in the list referred to in § 223.6(b), who is authorized by said official to countersign passes on his behalf, and before it is presented for transportation such pass must bear the signature in ink of the person to whom issued: *Provided*, That regular tickets or bills of lading, stamped with a suitable notation, may be used as trip passes, and when so used need not conform to the provisions of this section as to form.

[ER-392, 28 F.R. 9288, Aug. 23, 1963]

§ 223.5 Carrier's records.

Each carrier shall maintain in its general offices a record of all passes issued by it and used for transportation over its routes and shall comply with the applicable record-retention provisions of Parts 214 and 249 of this subchapter, as amended. Such record shall be maintained in the form of a register, freely accessible and convenient for examination, and shall contain the following information: The type of pass; dates of issuance and expiration; number; to whom issued, including name, address, and eligibility under the Act and under this part; privileges accorded thereunder; points between which transportation is authorized, or in the case of "term" passes, the route number or system or particular points, as may be appropriate; and the name of the official upon whose authorization the pass was issued. Regular tickets or bills of lading,

under certain conditions, may be used as trip passes and need not conform to the provisions of § 223.4 as to form. However, records of such tickets or bills of lading, when used as trip passes for free or reduced-rate transportation, shall be kept in accordance with the above provisions of this section. All correspondence or memorandums relating to free or reduced-rate transportation shall be retained and made a part of the carrier's records. In the case of reduced-rate transportation, the records shall show the amount of the charge assessed or assessable.

[ER-459, 31 F.R. 5351, Apr. 5, 1966]

§ 223.6 Carrier's rules.

Each carrier shall file with the Board three copies of all instructions to its employees, and of all company rules and regulations, governing its practices in connection with the issuance and interchange of passes. If no instructions, rules, or regulations are in effect, then three copies of a general statement by an appropriate official of the carrier, comprehensively describing its practices in connection with the issuance and interchange of passes must be filed. Each carrier's rules and regulations or statement referred to in this section shall include lists showing (a) the titles of its officials upon whose authorizations passes may be issued, (b) the titles of other officials or responsible subordinates who are authorized by said officials to countersign passes on their behalf and the extent of the authority granted them, and (c) the titles of persons who are authorized to request passes from other carriers. Three copies of any change in any such instructions, rules, regulations, or statement of practices must be filed with the Board within 30 days after the effective date of such change.

[Reg. ER-191, 18 F.R. 7266, Nov. 17, 1953]

§ 223.7 Filing of list of affiliates.

Before issuing any pass to directors, officers, employees, or members of their immediate families, of any of its affiliates, each carrier shall file with the Board a list containing all of such carrier's affiliates and showing the exact relationship of each such affiliate to such carrier as respects control and principal business. Any change in such list must be filed with the Board within 15 days after such change is effective: *Provided*,

That an affiliate not previously included in any list filed with the Board must be included in a new list prior to the issuance of any pass to any person authorized to receive such pass by reason of such affiliation.

[Reg. ER-191, 18 F.R. 7266, Nov. 17, 1953]

### § 223.8 Application for authority to carry other persons.

Any carrier desiring special authorization under section 403(b) of the Act to furnish free or reduced-rate overseas or foreign air transportation to a person or persons to whom the carrier would not otherwise be authorized to furnish such transportation under section 403(b) or this part, or who are not listed in the carrier's rules filed with the Board pursuant to § 223.6, may apply to the Board, by letter or other writing, for such authorization. The application shall state the identity of the person or persons to whom, and the points between which, such transportation is to be furnished, the time or approximate time of departure, and the carrier's reasons for desiring to furnish such transportation. The application shall contain a definite statement that the carrier is willing and intends to furnish such transportation if authority to do so is granted by the Board. No transportation for which approval is requested therein shall be furnished by the carrier unless and until such approval is received by the carrier. [ER-461, 31 F.R. 6585, May 3, 1966]

### § 223.9 Effect on other regulations.

Nothing contained in this part shall be construed as repealing or amending any provision of any other section of this subchapter.

[Reg. ER-146, 14 F.R. 3536, June 29, 1949]

## PART 224—ACCESS TO AIRCRAFT FOR SAFETY PURPOSES; FREE TRANSPORTATION FOR CERTAIN FEDERAL AVIATION ADMINISTRATION, NATIONAL TRANSPORTATION SAFETY BOARD, AND WEATHER BUREAU EMPLOYEES

Sec.

- 224.1 Safety inspectors.
- 224.2 Traffic control and communications personnel and aviation weather forecasters.
- 224.3 Requests for access to aircraft and free transportation.

Sec.

- 224.4 Responsibility of the Federal Aviation Administration, the National Transportation Safety Board, and the Weather Bureau.

**AUTHORITY:** The provisions of this Part 224 issued under secs. 204(a), 301-314, 403, 404, 601-610, and 701; Federal Aviation Act of 1958, 72 Stat. 743, 744-754, 758, 760, 775-780, and 781; 49 U.S.C. 1324, 1341-1355, 1373, 1374, 1421-1430, and 1441; and Department of Transportation Act, 80 Stat. 931.

**SOURCE:** The provisions of this Part 224 contained in ER-485, 32 F.R. 5546, Apr. 5, 1967, unless otherwise noted.

### § 224.1 Safety inspectors.

Every air carrier shall carry, without charge, on any aircraft which it operates any duly authorized official or employee of the National Transportation Safety Board or of the Federal Aviation Administration who has been assigned to the duty of inspecting during flight such aircraft, its engines, propellers, appliances, route facilities, operational procedures, or airman competency.

### § 224.2 Traffic control and communications personnel and aviation weather forecasters.

Any air carrier may carry without charge on any aircraft which it operates any traffic controller or aircraft communicator of the Federal Aviation Administration or any aviation weather forecaster of the Weather Bureau (including supervising officers of such persons) for the purpose of more fully and adequately acquainting such persons with the problems affecting in-flight use of air traffic control and communications and weather forecast services provided by the U.S. Government: *Provided, however*, That no request for free transportation under this section shall be made for the same individual upon any one air carrier more than once in each calendar year (round trips are regarded as one trip for the purposes of this section) unless the request for such additional transportation is accompanied by the statement in writing prescribed in § 224.3(c).

### § 224.3 Requests for access to aircraft and free transportation.

Access to aircraft and free transportation shall not be granted to persons eligible under this part unless the following conditions are complied with:

- (a) The person to be transported shall present to the appropriate agents of the air carrier credentials or a certificate